

Application No. 10/534,939

Reply to Office Action

REMARKS***Restriction Requirement***

The Office Action has set forth a restriction requirement. In particular, the Office Action has set forth the following groups of claims:

- (I) claims 1-21, drawn to a polymer concrete,
- (II) claims 22-27, drawn to a method of forming a structural element, and
- (III) claims 28-32, drawn to a structural element.

Applicant's Election

In response to the restriction requirement, Applicant elects, with traverse, Group I (i.e., claims 1-21) for further prosecution.

Discussion of Claim Election

The subject application is a U.S. national stage application based on the international application PCT/AU03/001520. The Office Action alleges that the inventions defined by the claims of Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because they do not relate to a single general inventive concept as they allegedly lack the same or corresponding technical feature. Under PCT Rule 13, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The term "special technical features" as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art (see M.P.E.P. § 1893.03(d))

The claims of Groups I-III are linked so as to form a single general inventive concept. In other words, the claims of Groups I-III share a common special technical feature (i.e., a polymer concrete formulation) which links them and defines the contribution that each claim makes over the prior art. Further, as stated above, this is a U.S. national state application. In the international phase, all of the pending claims were considered at the same time, i.e., the International Searching Authority determined that there was sufficient unity of invention such that all of the claims of the PCT application could be searched at the same time without an additional fee.

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Given the special technical feature common to the claims of Groups I-III, a search for prior art with respect to any of Groups I-III would likely uncover references that would be considered by the Examiner during the examination of each of the other Groups as well. As a result, the Examiner would incur no serious burden in examining the claims of Groups I-III concurrently. See also M.P.E.P. § 803 ("If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions." (emphasis added)).

In view of the foregoing, Applicant requests that the requirement for restriction be withdrawn and that the claims of Groups I-III be examined together.

Conclusion

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned agent.

Respectfully submitted,



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Date: March 13, 2006